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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,266

12/29/2000

Ephriam Feig

1963-7339

7398

58776

7590

05/12/2006

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,266

Applicant(s)

FEIG ET AL.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "transferring at least a subset of the plurality of encrypted sequential data blocks" and later recites "decryption of a corresponding transferred subset of the plurality of encrypted sequential data blocks. It is unclear if the two separately claimed subsets of data blocks are the same subset or not. It seems the second might be a subset of the first, or just a different subset of the entire plurality. A further subset is claimed in each of claims 11 and 13-16. Claims 17 and 19 also have two subsets claimed, in the same indefinite manner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 and 19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Warren et al., US patent number 5,963,909.

With regard to claims 1, 13-17, and 19, Warren discloses a method to enforce access to a media file (column 1 lines 8-10) including partitioning the media file into sequential data blocks (column 3 lines 8-9), encrypting the data blocks with a plurality of encryption keys (column 3 lines 9-15) transferring the data blocks and the keys to a client (column 5 lines 44-49) wherein the frames are sent in portions over a communications network (column 5 lines 47-49). Warren further discloses that each frame is individually encrypted, and since the key may be carried in a key layer, the frames can be decrypted in a frame by frame basis (abstract lines 17-20), thus the receiver can only decrypt the frames which he has received the key for, which is less than the plurality. Warren further discloses the data blocks and keys are transferred and loaded in sequential order (column 3 lines 50-56, column 4 lines 14-22), thus the server is selecting to send the first keys first, and mid-stream the non-selected keys are not yet transferred.

With regard to claims 2-6, Warren discloses the media file can be multimedia, video, audio, and text (column 4 lines 47-52).

With regard to claim 7, Warren discloses the media can be compressed (column 2 lines 32-35).

With regard to claims 8 and 9, Warren discloses encrypting each data block with a corresponding key (column 3 lines 8-10).

With regard to claims 10-12, Warren discloses recording the data blocks and keys onto a medium or transmitting them over a communications link (column 1 line 66-column 2 line 2).

Response to Arguments

5. Applicant's arguments filed 3 April 2006 have been fully considered but they are not persuasive.

With regard to applicant's argument that Warren does not disclose selecting a subset of the keys, the examiner again points out that all transferred data is selected to be transferred by the sending computer. Applicant also adds the limitation that non-selected keys are not transferred. The examiner points out that while the stream is being transferred, only the selected keys (first ones) have been sent while the non-selected ones (last keys) have not been sent. If the claims stated clearly that the non-selected keys were not sent based on some criteria, such as the receiver's authorization level, it might better distinguish from Warren. Applicant's claims are not directed at why some keys are sent while others are not, and thus, they still read on Warren.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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